

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CRAIG GAMBLE, et al.,

Plaintiffs,

v.

BOYD GAMING CORPORATION,

Defendant.

Case No. 2:13-cv-01009-JCM-PAL

ORDER

(Mtn to Compel – Dkt. #228)

The court held a hearing on Defendant Boyd Gaming Corporation's Emergency Motion to Compel (Dkt. #228) on March 31, 2015. Ashley Thronson, Esq., was present for Plaintiffs, and Karen Kubin, Esq., appeared for Defendant. The court has considered the Motion, the Response (Dkt. #230), the Reply (Dkt. #231), and the arguments of counsel at the hearing.

Having reviewed and considered the matter,

IT IS ORDERED:

1. The Motion to Compel (Dkt. #228) is GRANTED.
2. The following Plaintiffs are COMPELLED to appear for deposition no later than

May 1, 2015, to be scheduled at a mutually agreeable date and time:

- a. Plaintiff Mary Ann Grant
- b. Plaintiff Enriquez Hernandez Turcios
- c. Plaintiff David Posey
- d. Plaintiff Santo Taormina
- e. Plaintiff James Bolinger
- f. Plaintiff Mario Hernandez
- g. Plaintiff Jospeh MacDonald
- h. Plaintiff Claudia Contreras

1 i. Plaintiff Samuel Sanchez-Silva

2 j. Plaintiff Frampton

3 k. Plaintiff Neil Seeley

4 l. Plaintiff Maria Seeley

5 m. Plaintiff Quyen Nguyen

6 3. The following Plaintiffs are COMPELLED to appear for deposition no later than
7 **May 1, 2015**, unless for good cause shown, they would be appearing against medical
8 advice:

9 a. Plaintiff Arlinda Campbell

10 b. Plaintiff Gloria Marsellos

11 The burden shall be on Plaintiffs Campbell and Marsellos to establish good cause for
12 their medical inability to appear for depositions. Plaintiff's counsel shall submit any
13 medical documentation regarding Plaintiff Marsellos to the court for in camera
14 review, providing Defendant's counsel with a notice the records have been submitted
15 to the court in camera in compliance with LR 10-5(a).

16 4. Failure to comply with this order and appear for deposition may result in a
17 recommendation to the district judge for sanctions, up to and including dismissal of
18 the Plaintiffs who fail to participate in discovery and appear for deposition as ordered.

19 5. Counsel shall meet and confer to find substitute deponents if any of these Plaintiffs
20 fail to respond to efforts to schedule their deposition, and fail to appear for deposition
21 as ordered. The deposition of substitute Plaintiffs shall also occur before **May 1,**
22 **2015.**

23 6. Counsel for Defendant shall not unilaterally notice depositions.

24 7. Defendant shall take no retaliatory action against any Plaintiff participating in this
25 case, and shall take measures to ensure that the client is advised of, understands, and
26 acknowledges its legal obligations in this regard. The Defendant shall provide notice
27 to all necessary supervisors and co-workers of the Defendant's legal obligation to
28 refrain from any form or retaliation against Plaintiffs for participating in this action.

1 8. The deadline for filing dispositive motions is extended until **May 29, 2015**.

2 9. The parties shall file the joint pretrial order no later than **June 29, 2015**. In the event
3 dispositive motions are filed, the date for filing the joint pretrial order shall be
4 suspended until thirty days after a decision of the dispositive motions.

5 10. The disclosures required by Rule 26(a)(3) of the Federal Rules of Civil Procedure,
6 and any objections thereto, shall be included in the parties' proposed joint pretrial
7 order.

8 Dated this 6th day of April, 2016.

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11 PEGGY A. LEEN
12 UNITED STATES MAGISTRATE JUDGE
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